IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 6743 of 2005

Between:

Soyam Radha, D/o. Late Nagaeswara Rao, T.Ganaganagudem Village of Jeelugumilli Mandal, of W.G.District.

..... PETITIONER

AND

1. Govt of A.P., rep. by its Commissioner of Tribal Welfare Dept., Masabtank, Hyderabad.
2. The District Tribal Welfare Officer, Guntur District, Guntur.
3. NTR Health University Vijayawada, Krishna District A.P., Rep. by its Registrar
4. The Principal, Sibar Institute of Dental Sciences, Takkellapadu Guntur Town, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Writs or more particularly one in the nature of writ of Mandamus by declaring the action of the respondents in not releasing the scholarship equallent to tuition fee, thought the petitioner belongs to ST (Koya Caste) and she is fully eligible and entitled to the same as illegal, arbitrary discriminatory, high handed and cannot be justified in the eye of law and consequently direct the respondents to sanction the scholarship to the petitioner till her BDS course is completed and direct to permit her to continue to prosecute her BDS course in the interest of Justice.

Counsel for the Petitioner: MS.M.SEETHA DEVI

Counsel for the Respondent Nos.1 and 2: GP FOR SOCIAL WELFARE
Counsel for the Respondent No.3: MR.D.V.NAGARJUNA BABU
Counsel for the Respondent No.4: None appeared

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the inaction of the respondents in releasing scholarship equivalent to the tuition fee to the petitioner, though she belongs to ST (Koya caste) category and fulfills all the required eligible criteria. Therefore, she sought for an appropriate direction to the respondents for sanction of scholarship for her BDS course.

It is stated in the affidavit filed in support of the writ petition that the petitioner is a poor tribal and is a resident of T.Ganganagudem village of Jeelugumilli Mandal, which is in the agency area of West Godavari District. It is also stated that though the father of the petitioner is a poor agricultural labourer, he wanted to bring up the petitioner in life decently and so the petitioner was imparted education in various schools. It is further stated that the petitioner's father died recently and thereafter, she is solely depending upon the earnings of her mother, who is also working as an agricultural labourer. It is the case of the petitioner that she secured first class in Intermediate Exams and also secured 67th rank in EMCET under reservation category for the academic year 2002-03, and accordingly selected and allotted a seat in the BDS course by the NTR Health University, Vijayawada, the third respondent herein. The petitioner has to pay fee prescribed in the first year BDS course at Rs.1,35,250/-. However, as the petitioner is not in a position to pay the said fee, she sought for release of the said amount by the Social Welfare Department as scholarship since she is entitled to get the same as she belongs to

the ST category. It is stated that Rs.1,10,000/- equivalent to the tuition fee is to be awarded by way of scholarship by the respondents 1 and 2 . Petitioner states that though she approached the District Tribal Welfare Officer, Guntur on several occasions, making repeated requests, there is no positive action from the Officer. It is further stated that even the College addressed communications to the District Tribal Welfare Officer, the second respondent herein, but no positive action is forthcoming. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents.

Admittedly, the petitioner is claiming to be a ST candidate who secured a seat in BDS course under the management quota. The petitioner is now seeking grant of scholarship towards tuition fee payable by her. Even though representations were made to the second respondent, there was no positive action. Hence, she has come up with the present writ petition. As the petitioner's representation dated 23.03.2005 is still pending with the second respondent, the second respondent is directed to consider and pass orders disposing of the said representation. If the petitioner is found eligible for the sanction of scholarship towards tuition fee, the second respondent is also directed to release the fund in accordance with the Rules. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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30.06.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1. The Commissioner, Govt. of A.P., Tribal Welfare Dept., Masabtank, Hyderabad.
2. The District Tribal Welfare Officer, Guntur District, Guntur.
3. The Registrar, NTR Health University Vijayawada, Krishna District A.P.
4. The Principal, Sibar Institute of Dental Sciences, Takkellapadu Guntur Town, Guntur District.
5. 2CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)
6. 2CD copies.